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UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORTLAND DIVISION

CHRISTOPHER COX,

Plaintiff,

vs.

HOME DEPOT U.S.A., INC., a foreign  
business corporation,

Defendant.

Case No.

**COMPLAINT**

**1. Negligence**

**DEMAND FOR JURY TRIAL**

Plaintiff alleges:

**PARTIES**

1. Plaintiff CHRISTOPHER COX (“Plaintiff”) was and is an individual residing in Clark County, Washington.

2. Defendant HOME DEPOT U.S.A., INC. (“Defendant”) was and is a Delaware corporation with its principal corporate headquarters in Georgia. Defendant is engaged in regular and sustained business throughout the State of Oregon.

### **JURISDICTION AND VENUE**

3. Venue is proper in this District as Plaintiff's accident, injuries, and damages occurred in the City of Portland, Multnomah County, Oregon.

4. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1332(a)(1), as the matter in controversy exceeds \$75,000.00, exclusive of interest and costs, and is between a plaintiff who resides in Oregon and a defendant that resides in Delaware, a foreign state.

5. This Court has personal jurisdiction over Defendant because Defendant transacts business within the State of Oregon, has availed itself of the privilege of conducting business activities within the State of Oregon, and engaged in business activities giving rise to this lawsuit within the State of Oregon and this District.

6. Venue is proper in this District as Plaintiff's accident, injuries, and damages occurred in the City of Portland, Multnomah County, Oregon.

### **FACTUAL BACKGROUND**

7. At all material times, Defendant was a multinational home improvement retail seller of home goods and improvement products, and owned and operated over two thousand retail stores. Such products included, among other things, steel corrugated roofing ("Roofing") and protective gloves.

8. Defendant employed and/or engaged owners, officers, employees, agents, managers, or others within the control or right of control of Defendant ("employees and agents") who were working in the course and scope of their official duty, employment, agency, managerial capacity, and/or performing work over which Defendant had possessed control or the right of control. All acts and omissions attributed to Defendant as alleged herein were performed by and through said employees and agents.

9. Defendant was solely responsible for, among other things: design and construction of its retail stores; staging, placement, and arrangement of its retail products;

location and content of signage and any customer warnings; means and methods of allowing customer access to any and all retail products.

10. Defendant owned and operated a Home Depot store located at 10120 SE Washington Street, Portland, Multnomah County, Oregon (“Store”).

11. On July 22, 2021, Plaintiff entered the Store as a business invitee with the intention of purchasing, among other things, several sheets of Roofing.

12. In the course of removing the Roofing from the shelf in Defendant’s Store, Plaintiff’s hand was grievously injured.

### **FIRST CAUSE OF ACTION**

13. Plaintiff re-alleges paragraphs 1-8 as though fully set forth herein.

14. Defendant was negligent in one or more of the following particulars:

- a. Failing to store and stage the Roofing flat, horizontal, or otherwise in a manner best designed to ensure patron safety;
- b. Failing to warn patrons of the inherent dangers in handling the Roofing;
- c. Failing to warn patrons to wear gloves or other safety equipment;
- d. Failing to warn patrons to seek assistance before handling the Roofing;
- e. Failing to provide patrons gloves or other safety equipment;
- f. Failing to train its employees to alert customers to the inherent dangers in handling the Roofing;
- g. Failing to train its employees to alert customers to the risk of injury created by attempting to lift and handle the Roofing without proper training and/or safety equipment; and
- h. Allowing patrons access to inherently dangerous material such as the Roofing without proper training and/or safety equipment.

15. As a direct and proximate result of Defendant’s negligence, Plaintiff suffered a high grade tendon tear with ulnar side nerve damage. Plaintiff’s injuries required surgery and

rehabilitation, and will result in permanent residual problems, including numbness and weakness.

16. As a result of the injuries described herein, Plaintiff has incurred medical expenses in an amount to be proven at trial, but currently estimated not to exceed \$27,000.00.

17. As a further result of the injuries described herein, Plaintiff has incurred wage loss in an amount to be proven at trial, but currently estimated not to exceed \$40,000.00.

18. As a further result of the injuries described herein, Plaintiff has suffered non-economic damages including, but not limited to, past and future pain and suffering, and inconvenience and interference with normal and usual activities, all in an amount to be proven at trial, but currently estimated not to exceed \$550,000.00.

### **JURY TRIAL DEMAND**

Plaintiff demands a jury trial on all claims and issues presented.

### **PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff prays for judgment in his favor:

1. Against Defendant in the amount of damages detailed herein, together with an award of costs and disbursements; and
2. For such further relief as this Court deems just and equitable.

DATED this 8<sup>th</sup> day of September, 2022.

### **BEN COX LAW**

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